

1 IN THE UNITED STATES DISTRICT COURT FOR THE  
2 NORTHERN DISTRICT OF OKLAHOMA

3 W.A. DREW EDMONDSON, in his )  
4 capacity as ATTORNEY GENERAL )  
5 OF THE STATE OF OKLAHOMA and )  
6 OKLAHOMA SECRETARY OF THE )  
7 ENVIRONMENT C. MILES TOLBERT, )  
8 in his capacity as the TRUSTEE )  
9 FOR NATURAL RESOURCES FOR THE )  
10 STATE OF OKLAHOMA, )

11 Plaintiff, )

12 vs. )

13 TYSON FOODS, INC., et al., )

14 Defendants. )

15 ) 4:05-CV-00329-TCK-SAJ  
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26 VIDEO DEPOSITION OF JOHN LITTLEFIELD,  
27 produced as a witness on behalf of the Defendants in  
28 the above styled and numbered cause, taken on the  
29 2nd day of August, 2007, in the City of Tulsa,  
30 County of Tulsa, State of Oklahoma, before me, Karla  
31 E. Barrow, a Certified Shorthand Reporter, duly  
32 certified under and by virtue of the laws of the  
33 State of Oklahoma.

1 MR. BROWN: David Brown for Willow Brook.

2 MS. BRONSON: Vicki Bronson for Simmons.

3 VIDEOGRAPHER: Thank you. You can swear  
4 the witness.

5 JOHN LITTLEFIELD,  
6 being first duly sworn to tell the truth, the whole  
7 truth and nothing but the truth, testified as  
8 follows:

9 DIRECT EXAMINATION

10 BY MR. ELROD:

11 Q Mr. Littlefield, my name is John Elrod. I  
12 represent Simmons Foods in this matter, and I'm  
13 going to have a few questions for you. We've not  
14 met before today, have we, sir?

15 A No, sir.

16 Q And would you tell me what your name and  
17 address is for the record?

18 A John L. Littlefield, 38327 South 4370 Road,  
19 Adair, Oklahoma 74330.

20 Q How long have you lived in Adair?

21 A Approximately two years at that place.

22 Q All right, sir. Are you a high school  
23 graduate?

24 A Yes.

25 Q What town and what year?

1 Q Yes, sir.

2 A And I felt like my job, the first year or so,  
3 was PR work, kind of getting to know them a little  
4 bit and letting them know me. And eastern Oklahoma  
5 is not just like anywhere, and so I think it's been  
6 to my advantage and the State's advantage for the  
7 job that I do.

8 Q You mean the attitude that you bring to the  
9 job?

10 A Yes, I think so, and -- and what I need to  
11 know, they feel more free to give me the  
12 information. If I -- my -- another way of  
13 describing it, you know, of being someone that comes  
14 and regulates. You can come with a gun on your  
15 side, you know, and they'll give you what you want,  
16 but I think you can go and give them a handshake and  
17 they'll give you what you want, and I kind of  
18 operate from that standpoint.

19 Q Any bad actors out there?

20 A You know, not many now, no. I can't -- I  
21 really don't have one.

22 Q Okay. Now, I get the impression that in terms  
23 of getting a plan written, that's the responsibility  
24 of the grower dealing directly with NRCS?

25 A That's true.

1 Q (By Mr. Elrod) This is going to happen.

2 A Ask that again.

3 Q Do you think that based on your last nine  
4 years of experience in the northeast Oklahoma, that  
5 most of the growers are taking a responsible  
6 approach towards litter management?

7 MR. NANCE: I object to the form of the  
8 question. You can answer it, John.

9 A I -- excuse me, ma'am. I think -- I think so.  
10 I think more so now than they were early on, but  
11 yes, I think so.

12 Q (By Mr. Elrod) Do you know of any growers in  
13 your area who you believe have a malicious intent to  
14 harm the waters of the state of Oklahoma?

15 A No, sir, I do not.

16 Q Okay. I've got a message that we need to take  
17 a break, so let's take five, 10 minutes.

18 A All right.

19 VIDEOGRAPHER: We are now off the record.  
20 The time is 10:22 a.m.

21 (Following a brief recess at 10:19 a.m.,  
22 proceedings continued on the record at 10:31 a.m.)

23 VIDEOGRAPHER: We are back on the record.  
24 The time is 10:35 a.m.

25 Q (By Mr. Elrod) Let me hand you what I've

1 area, particularly.

2 Q Isn't it true that some of these poultry  
3 operations, really all that's there is just enough  
4 land for the poultry houses and not really any  
5 pasture?

6 A That's true.

7 Q I mean, these people are really just in the  
8 poultry business?

9 A That's true.

10 Q Okay. Besides the couple of things that  
11 you've mentioned, are there other reasons why people  
12 are not applying the poultry litter on their -- on  
13 the land?

14 A Well, it may be too high in phosphorus, their  
15 soil tests, and they can't legally apply.

16 Q From the discussion this morning with Mr.  
17 Elrod, I understand there's a real relationship  
18 between poultry growing, litter production and  
19 grazing cattle, do you agree?

20 A I agree with that.

21 Q And as far as those who are buying litter and  
22 having it put on their own land, are those mostly  
23 people in the cattle or haying business?

24 A Yes.

25 Q Why -- why do they seek out poultry litter?

1 Why do they want it? It can't be the smell.

2 **A** No, it's not the smell. They -- well, they  
3 feel like that it grows -- their land needs the  
4 nutrients that's in the litter in most of those type  
5 cases, and that it grows grass better than  
6 commercial.

7 **Q** Better than commercial fertilizer?

8 **A** Most of them feel that way, I think. I  
9 mean --

10 **Q** Do you have -- could you give us some type of  
11 estimate in your opinion of what percentage of the  
12 pasture in the Illinois River watershed is receiving  
13 poultry litter?

14 **A** Oh, I couldn't -- I couldn't do that. I don't  
15 know.

16 **Q** Okay.

17 **A** For sure.

18 **Q** But there's a -- would you agree that there's  
19 a significant amount of acreage out there that  
20 there's not any poultry litter going down on?

21 **A** Yes, I think that's true.

22 **Q** Now, when these cattle ranchers or hay  
23 operators are acquiring this litter to put on their  
24 own land, and you talked a little bit about this  
25 this morning, is it your understanding that they are